

## STATE OF MICHIGAN

JUDICIAL DISTRICT  
7th JUDICIAL CIRCUIT  
COUNTY PROBATE

## SUMMONS AND COMPLAINT

CASE NO.  
12 - 928 657 - NI  
JUDITH A. FULLERTON

Court address

900 S. Saginaw Street, Flint, Michigan 48502

P-20455

Court telephone no.

(810) 257-3272

Plaintiff's name(s), address(es), and telephone no(s).  
Judy Eisinger

v

Defendant's name(s), address(es), and telephone no(s).  
Frontier Airlines

Plaintiff's attorney, bar no., address, and telephone no.

Michael R. Behan (P45121)  
Schram, Behan & Behan  
4127 Okemos Road, Suite 3  
Okemos, Michigan 48864  
517-347-3500**SUMMONS** NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued  
JUL 26 2012This summons expires  
OCT 25 2012

Court clerk

Judi M. Schram

\*This summons is invalid unless served on or before its expiration date.

This document must be sealed by the seal of the court.

**COMPLAINT** Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

## Family Division Cases

- ☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- ☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.
- The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.

Judge

Bar no.

## General Civil Cases

- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in \_\_\_\_\_ Court.
- The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.

Judge

Bar no.

**VENUE**Plaintiff(s) residence (include city, township, or village)  
Keller, TexasDefendant(s) residence (include city, township, or village)  
Denver, Colorado

Place where action arose or business conducted

Genesee County, Michigan

07/26/2012

Date

Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF GENESEE

JUDY EISINGER

Case No. **12-98657**-NI

Plaintiffs,

Hon. **JUDITH A. FULLERTON**  
P-20455

v.

FRONTIER AIRLINES

Defendant.

Michael R. Behan (P45121)  
SCHRAM, BEHAN & BEHAN  
*Attorneys for Plaintiff*  
Eastbrook Plaza  
4127 Okemos Road, Suite 3  
Okemos, Michigan 48864  
Phone: (517) 347-3500

**A TRUE COPY**  
**Michael J. Carr, Clerk**

***THERE IS NO OTHER PENDING OR RESOLVED  
CIVIL ACTION ARISING OUT OF THE SAME TRANSACTION  
OR OCCURRENCE AS ALLEGED IN THE COMPLAINT***

**COMPLAINT AND JURY DEMAND**

**JURISDICTION**

NOW COMES Plaintiff, JUDY EISINGER, by and through her attorneys,  
SCHRAM, BEHAN & BEHAN, who hereby states as follows as her cause of action:

1. Plaintiff, JUDY EISINGER, resides at 501 Bourland Road, Apartment 1303, Keller, Texas.
2. Defendant, FRONTIER AIRLINES, has its principle offices at 7001 Tower Road, Denver, Colorado and transacts business in Genesee County, Michigan.
3. This incident occurred and jurisdiction exists in this court because of a negligence accident in Genesee County, Michigan.

4. The amount is controversy is within the jurisdiction of this court because plaintiff claims physical damages in excess of \$25,000.00.

FACTUAL ALLEGATIONS

5. At all times relevant to this case, Defendant, FRONTIER AIRLINES, was transacting business at Flint's Bishop Airport.

6. Plaintiff bought ticket #4227917374471 to travel on the Defendant's airline on October 7, 2010.

7. Plaintiff suffers from a handicap and must travel by wheelchair.

8. Defendant, FRONTIER AIRLINES, was aware of the handicap.

9. The ticket defendant, FRONTIER AIRLINES, sold to the plaintiff specifically stated that plaintiff was immobile.

10. Defendant, FRONTIER AIRLINES, had not taken the precautions necessary for the safety of the plaintiff.

11. While attempting to transfer the plaintiff between a wheelchair and a seat on the plane, defendant's employees (one of whom was pregnant) negligently dropped the plaintiff.

12. As a direct and proximate result of the defendant's conduct, plaintiff sustained serious and what appear to be permanent injuries.

13. The entire incident at issue, which occurred in Genesee County, Michigan, was preventable if the defendant, FRONTIER AIRLINES, had utilized reasonable measures to protect for the safety of a handicapped person.

14. As a direct and proximate cause of defendants' actions, plaintiff has been caused to suffer significant physical pain, injury, and discomfort.

15. As a direct and proximate cause of defendants' actions, plaintiff has suffered from the serious impairment of body functions that has affected her general ability to lead a normal life.

**COUNT I  
NEGLIGENCE CLAIM – AGAINST FRONTIER AIRLINES**

16. Plaintiff Incorporates by reference all allegations made in Paragraphs 1 through 15 herein.

17. Defendant, FRONTIER AIRLINES owed Plaintiff JUDY EISINGER the following duties of care (among others):

- a. To have its aircraft in such a condition to accommodate handicap persons such as plaintiff;
- b. Not to drop plaintiff when attempting to transfer the plaintiff between a wheelchair and a seat on the plane.

18. Defendant, FRONTIER AIRLINES, breached said duties owed to plaintiff, and that as a direct and proximate result of defendant's breach of its duties, the plaintiff was dropped and the injuries stated in this complaint resulted.

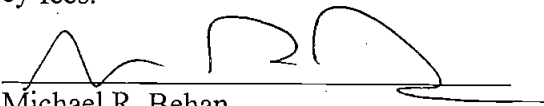
19. As a direct and proximate result of the negligence of defendant, FRONTIER AIRLINES, plaintiff suffered serious injuries, and may in the future suffer and may permanently suffer mental anguish, pain and suffering, injuries, and limitations (including aggravation of preexisting conditions, if).

- a. Pain, suffering, and mental anguish
- b. Loss of services
- c. Medical care
- d. Other damages, injuries, and consequences that are found to be related to the automobile accident that develop during the course of discovery.

WHEREFORE, plaintiff asks the court to award damages against defendant, FRONTIER AIRLINES, in whatever amount plaintiff is found to be entitled to in excess

of \$25,000.00, plus interest, costs, and attorney fees.

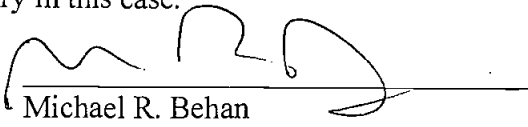
DATED: July 26, 2012

  
\_\_\_\_\_  
Michael R. Behan  
Attorney for Plaintiff

**JURY DEMAND**

NOW COMES plaintiff, by and through her attorneys, SCHRAM, BEHAN & BEHAN, who hereby demands a trial by jury in this case.

DATED: July 26, 2012

  
\_\_\_\_\_  
Michael R. Behan  
Attorney for Plaintiff

**Drafted By:**  
**Michael R. Behan (P45121)**  
**SCHRAM, BEHAN & BEHAN**  
*Attorneys for Plaintiff*  
**4127 Okemos Road, Suite 3**  
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